

ORANGE COUNTY SUPERIOR COURT RULES

DIVISION 3 PRACTICE RULES

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Chapter 1**Civil (Cases over \$25,000)****RULE 300. ASSIGNMENT OF OTHER MATTERS**

Motions for new trial, motions to tax costs, and other matters in reference to contested cases tried by a trial department shall be heard in the department of the court where the case was tried at a time designated by the judge of that department.

All ex parte applications shall be presented to the judge presiding in the particular department in which the case falls.

(Renumbered effective March 15, 1984)

RULE 302. JURY VENIRE FOR SUPERIOR COURT SESSIONS HELD OUTSIDE THE COUNTY SEAT

When sessions of the Superior Court are held in a location outside the County Seat the names of persons for master jury lists and the names of jurors summoned to serve during such sessions shall be selected from the area served by the court in which such sessions are located. However, for special circumstance homicide cases held at sessions outside the County Seat, county-wide jurors shall be provided absent a waiver of a county-wide venire. This rule shall not preclude a judge presiding over such sessions from ordering the use of a county-wide venire for good cause.

(Adopted effective March 15, 1984; revised effective January 1, 1988; renumbered effective July 1, 1998; revised effective July 1, 1999)

RULE 304. DESIGNATION OF RECORD ON APPEAL

All Designations of Record for matters on appeal shall include the title of the document and the date it was filed with the Superior Court or, if the filing date is not readily available, the date it was signed. Appellant's designation of all minute orders, all minute orders entered between specified dates, or all written jury instructions prepared by the court or tendered by a party, whether given, refused, or withdrawn, is sufficient designation of those documents. All Designations of Record for matters on appeal shall specifically set forth the date of any and all hearings for which a reporter's transcript is requested. Failure to comply with this rule will result in the mailing of a rejection notice to the submitting party directing compliance with the Rule within 10 days or a default will be entered.

(Adopted effective March 1, 1985; renumbered effective July 1, 1998; revised effective September 1, 1998)

RULE 306. (Vacated)

(Adopted effective January 1, 1989; revised effective July 1, 1994; revised effective January 1, 1995; renumbered effective July 1, 1998; vacated effective July 1, 2000)

RULE 308. ELECTRONIC FILING PILOT PROGRAM

The Orange County Superior Court adopts an Electronic Filing Pilot Program and Policy in accordance with California Rule of Court 982.9 – Experimental Use of Typewritten Forms, California Rule of Court 1033 – Court Technology Advisory Committee, and the Report of the Court Technology Task Force adopted by the Judicial Council on January 25, 1996. There shall be no direct electronic transmission of any pleadings or papers to the court except in accordance with this rule and the Electronic Filing Pilot Program and Policy adopted by the Orange County Superior Court.

(Adopted effective January 1, 1998; renumbered effective July 1, 1998)

RULE 310. DEFAULT JUDGMENTS - PAPERS REQUIRED TO BE PRESENTED BEFORE HEARING

All proposed default judgments or decrees shall be presented to the clerk in the department where the matter is to be heard, at the time of appearance in court and prior to the presentation of any evidence. Non-compliance with this rule will result in the matter being ordered off calendar.

(Renumbered effective December 1, 1984; renumbered effective July 1, 1998)

Chapter 2**Civil (Disputes \$25,000 and under)****RULE 320. SMALL CLAIMS/RETURN OF SERVICE**

Return of service on small claims cases shall be filed with the Clerk of the Court not later than three court days prior to the hearing. A separate Proof of Service for each party served is required. In the event plaintiff does not file the return of service within the time provided herein, the case may be dismissed.

(Renumbered effective July 1, 1998)

RULE 322. SMALL CLAIMS/EXHIBITS

Exhibits in small claims cases shall be returned to the proffering party at the hearing unless the court finds good cause and orders the exhibit(s) retained by the court.

(Renumbered effective July 1, 1998)

RULE 324. VERBATIM RECORD

In all civil cases the parties must make arrangements and provide for their own official reporting services at their own expense.

(Renumbered effective July 1, 1998)

RULE 326. APPLICATION FOR FEE WAIVER

- A. If the party applying for a fee waiver indicates on the Application that the applicant's gross monthly income is less than the amounts reflected on the Information Sheet, the applicant shall be required to show the last two pay stubs if applicant is currently receiving an income. If unable to provide the last two pay stubs, the applicant may be required to appear before the court to verify the applicant's income. If the applicant claims no income, the applicant will be required to file a declaration under penalty of perjury and/or appear before the court to verify same.
- B. If the applicant indicates on the Application that the applicant's income is not enough to pay for the common necessities of life and also pay court fees and costs, the applicant may be required to appear before the court to answer questions and provide the last two pay stubs if currently receiving an income.

(Renumbered effective July 1, 1998)

RULE 328. VACATED

(Renumbered effective July 1, 1998; vacated effective July 1, 1999)

RULE 330. (VACATED)

(Renumbered effective July 1, 1998; Vacated effective July 1, 2000)

RULE 332. PRETRIAL CONFERENCE

- A. When any party to a civil action, other than unlawful detainer, requests a jury trial or requests a court trial with an estimated time for trial of one day or more, a pretrial conference may be set to ascertain whether the matter can be disposed of by way of settlement, or whether the case is ready for trial.
- B. All parties are to be personally present unless counsel has unlimited authority to act, or if good cause exists, available for telephone contact with counsel during conference.
- C. All parties shall bring to the conference a Pretrial Conference Brief/Statement which shall contain the material facts and damages.

(Renumbered effective July 1, 1998)

RULE 334. ENTRY OF DEFAULT JUDGMENT UNDER SOLDIERS AND SAILORS' CIVIL RELIEF ACT

Any affidavit, declaration or certificate of military status required under 50 United States Code §501 et seq. shall reflect military status not later than six months preceding the date of entry of default judgment.

(Renumbered effective July 1, 1998)

RULE 336. EXAMINATION OF JUDGMENT DEBTORS AND THIRD PERSONS

After the party has been served pursuant to Section 708.110 et seq. of the Code of Civil Procedure, the proof of service shall be filed with the Clerk of the Court no later than three court days immediately preceding the hearing date, unless otherwise ordered by the court. If there is a failure to comply with this rule, the examination may be vacated without costs being awarded to the party who secured the order and no further hearing shall be scheduled earlier than 120 days from the date of the originally scheduled hearing, except for good cause shown in writing.

If the party or attorney who procured the order fails to appear, but the person, firm or corporation named in the order appears, the examination may be vacated without costs being awarded to the party who secured the order and no further hearing shall be

scheduled earlier than 120 days from the date of such vacated date unless good cause shown in writing.

(Renumbered effective July 1, 1998)

RULE 338. (VACATED)

(Renumbered effective July 1, 1998; revised effective July 1, 1999; Vacated effective July 1, 2000)

RULE 340. DELAY REDUCTION

The Time Standards for Municipal Courts as recommended by the Judicial Council of the State of California and listed in the Standards of Judicial Administration are hereby adopted. It is the policy of the Orange County Courts to comply as consistently as possible with those standards to encourage prompt disposition of all matters coming before the court, and to thereby improve the administration of justice.

(Renumbered effective July 1, 1998)

RULE 342. DELAY REDUCTION - GENERAL CIVIL

Any civil case other than unlawful detainer, not actually disposed of or set for trial within 180 days from date of filing of the complaint, may be set for a status conference to determine the status of such case.

(Renumbered effective July 1, 1998)

RULE 344. DELAY REDUCTION - UNLAWFUL DETAINER

Any unlawful detainer case not actually disposed of or set for trial within 45 days from date of filing of the complaint may be set for a status conference to determine the status of such case.

(Renumbered effective July 1, 1998)

RULE 346. DELAY REDUCTION - STATUS CONFERENCE

At the status conference, the court will consider the present status of the case, how to achieve compliance with the Time Standards for Municipal Court cases as adopted by the Judicial Council of the State of California, and whether any party has not been diligent in pursuit of the case. The court may limit or direct service of parties; set a date by which a memo to set shall be filed or set a trial date; set a future status or settlement conference; set other procedural deadlines; impose monetary sanctions; dismiss the case; transfer the case, or make other appropriate orders.

(Renumbered effective July 1, 1998)

RULE 348. DELAY REDUCTION - APPEARANCE AT STATUS CONFERENCE

Personal appearance at the status conference is required by all parties unless one of the following has been filed or submitted not less than five court days prior:

- A. A Memorandum to Set Case for Trial has been filed;
- B. A disposition of the case has been achieved by the parties. A voluntary dismissal, judgment or transfer constitutes a disposition of the case.
- C. A Notice of Settlement has been filed.

Failure to comply with this rule shall result in dismissal of the case and/or sanctions.

(Renumbered effective July 1, 1998)

RULE 350. DELAY REDUCTION - NOTICE OF SETTLEMENT

A Status Conference will be set or continued approximately 46 days from the filing of a Notice of Settlement on an unconditional settlement; or 46 days after the dismissal date specified in the Notice of Settlement on a conditional settlement. The timely filing of a Request for Dismissal will vacate the Status Conference.

(Renumbered effective July 1, 1998)

RULE 352. DELAY REDUCTION - CONTINUANCE OF STATUS CONFERENCE

Status conferences may only be continued by motion to the court.

(Renumbered effective July 1, 1998)

RULE 354. DELAY REDUCTION - SMALL CLAIMS

- A. Plaintiff's failure to appear at the scheduled hearing may result in the case being dismissed.
- B. If the defendant is not served, the clerk's office will reset the case once, provided the plaintiff furnishes the clerk's office with all paperwork issued when the claim was filed. Any request for resetting must be done at least three court days prior to the original hearing date.
- C. After the defendant has been served, any request for continuance by any party must be filed at least five court days before the hearing. The party requesting the continuance shall mail or personally deliver a copy to

each of the other parties and pay the appropriate fee to the court upon filing the request for continuance.

(Renumbered effective July 1, 1998; revised effective July 1, 1999)

Chapter 3**All Civil****RULE 360. ARBITRATION****A. Authority**

1. The Superior Court is authorized to refer civil actions, except those heard in the Small Claims Division, to judicial arbitration, pursuant to Section 1141.11(a) of the Civil Code of Procedure.
2. Any at issue limited civil case may be referred to judicial arbitration if the court determines arbitration to be in the best interest of justice.

B. Referral to Arbitration

Any case shall be submitted to arbitration pursuant to this rule upon the order of the Court where, in the opinion of the Court, the amount in controversy will not exceed fifty thousand dollars (\$50,000) for each plaintiff, which decision shall not be appealable. The provisions of this rule shall not apply to any action exempt from arbitration pursuant to Rule 1600.5, California Rules of Court.

C. Determination of Amount in Controversy

The amount in controversy in each case shall be determined by the Court and the case referred to arbitration upon receipt of stipulation by counsel or by order of the Court at any conference at which all parties have been ordered or noticed to appear.

The determination of the amount in controversy shall be without prejudice to any finding on the value of the case by an arbitrator or in a subsequent trial de novo. The determination shall be based on the total amount of damages, and questions of liability or comparative negligence or other defenses shall not be considered.

D. Administration of Program

Any case referred to arbitration shall be submitted to the Orange County Superior Court Arbitration Program and shall be subject to all guidelines set forth in these rules.

E. Appointment of Administrator

The Chief Executive Officer shall serve as the Arbitration Administrator, supervise the selection of arbitrators for the cases on the mandatory Arbitration Hearing List, and generally supervise the operation of the Mandatory Arbitration Program.

F. Panel of Arbitrators

The Arbitration Administrator shall maintain a current panel of arbitrators which shall be composed of active members of the California State Bar and retired judges of courts of record.

G. Selection of Arbitrator

The selection of arbitrators by the Arbitration Administrator shall be at random and will be governed by the following procedures:

1. The parties may stipulate to an arbitrator within 10 days after the case is ordered to arbitration, by submitting a written stipulation for the arbitrator of their choice to the Superior Court Arbitration Program.
2. If no stipulation for an arbitrator is received within 10 days after the case is ordered to arbitration, the provisions thereof are deemed waived and the Arbitration Administrator shall select an arbitrator at random from the panel of arbitrators.

H. Disqualification for Conflict of Interest

It shall be the duty of the arbitrator to determine whether any cause exists for his/her disqualification in the case he/she is to hear upon any of the grounds set forth in Section 170.1 of the Code of Civil Procedure governing the disqualification of judges. If any member of the arbitrator's law firm would be disqualified under subdivision (a)(2) of Section 170.1, the arbitrator is disqualified. The arbitrator shall promptly notify the arbitration administrator of any grounds for disqualification known to him/her and another arbitrator shall be selected as provided in these rules.

I. Hearings, Notice, When and Where Held

The arbitrator shall set the date, time and place of the hearing and serve a "Notice of Arbitration Hearing" upon all counsel of record at least 30 days prior to the hearing date. The original notice shall be filed with the Arbitration Administrator. The hearings shall be scheduled to take place not sooner than 35 days and no later than 90 days from the date of the assignment of the case to the arbitrator, including any time due to continuances. Provided, however, for good cause shown the court may extend the time for arbitration.

The arbitrator shall set the hearing at a convenient date, time and place in the County of Orange. The hearing shall not be set on Saturdays or legal holidays without a stipulation of all parties and the arbitrator. The hearing may be held in a location outside of Orange County, upon stipulation of all parties and the arbitrator.

If the arbitrator cannot hold a hearing within the time limitations, a notification shall be submitted to the Arbitration Administrator who shall return the case to the list of cases pending appointment of an arbitrator and shall select a new arbitrator pursuant to section G of this Rule.

J. Continuances

An Arbitration Hearing date may be continued:

1. By written stipulation, signed by all counsel of records, with the consent of the assigned arbitrator. The original copy of the stipulation shall be filed with the Arbitration Administrator. The new hearing date must be set within 90 days from the date the arbitrator was appointed.
2. By noticed motion, if the desired hearing date exceeds 90 days from the date the arbitrator was appointed. A written declaration must be submitted concurrently with the motion, stating the reason for the extended setting. Such motions must be set for hearing before the judge who signed the Arbitration Referral order.
3. By written stipulation of all parties, and approval by the court, if the hearing date exceeds 90 days from the date the arbitrator was appointed, a written declaration must be submitted concurrently with the stipulation, stating the reason for the lengthy setting. The stipulation must be filed directly with the judge who signed the Arbitration Referral order.

In addition, the stipulation shall be titled "Stipulation and Order for Continuance of Arbitration" and shall include, below the attorney signatures, the language "IT IS SO ORDERED", followed by a date and signature line for the judge.

K. Communication with the Arbitrator

No disclosure of any offers of settlement made by any party shall be made to the arbitrator prior to the filing of the award. There shall be no ex parte communication by counsel or the parties with the arbitrator except for the purposes of scheduling the arbitration hearing or requesting a continuance.

L. Discovery

1. As to Superior Court cases, the parties to the arbitration shall have the right to take depositions and to obtain discovery, and to that end may exercise all of the same rights, remedies and procedures, and shall be subject to all of the same duties, liabilities, and obligations as provided in Part 4, Title 3, Chapter 3 of the Code of Civil Procedure for other cases pending in Superior Court, except that all arbitration discovery shall be completed no later than 15 days prior to the date set for the arbitration hearing unless the Court, upon a showing of good cause, makes an order granting an extension of the time within which discovery must be completed.
2. As to limited civil cases, the parties to the arbitration shall have the right to take depositions and to obtain discovery, and to that end may exercise all of the same rights, remedies and procedures, and shall be subject to all of the same duties, liabilities, and obligations as provided in Part 1, Title 1, Chapter 5 of the Code of Civil Procedure for other limited civil cases except that all arbitration discovery shall be completed no later than 15 days prior to the date set for the arbitration hearing unless the Court, upon a showing of good cause, makes an order granting an extension of the time within which discovery must be completed.

M. Rules of Evidence at Hearing

Rule 1613, California Rules of Court, concerning Rules of Evidence at the arbitration hearing shall apply to this Mandatory Arbitration Program in its entirety.

N. Conduct of Hearing

Rule 1614, California Rules of Court, concerning conduct of the arbitration hearing shall apply to this Mandatory Arbitration Program in its entirety.

O. The Award; Attorneys fees; Entry of Judgment; Motion to Vacate

Rule 1615, California Rules of Court, concerning the Arbitration Award, Entry of Judgment and Motion to Vacate shall apply to this Mandatory Arbitration Program in its entirety.

P. Fees

Upon the filing of a timely "Arbitrator's Award" the arbitrator shall receive the sum of \$150.00 for each case as a fee for services rendered on the case.

The "Arbitrator's Fee Statement" shall be submitted to the Arbitration Administrator promptly upon the completion of the arbitrator's duties, and shall set forth the title and case number of the cause arbitrated, the date(s) of the arbitration hearings, and the date the award or settlement notice was prepared.

When two or more cases arise out of the same transaction and are heard at the same hearing, they shall be considered as one case for purposes of determining the arbitrator's fees.

On the arbitrator's verified ex parte application presented concurrently with the fee statement, the Superior Court may, for good cause, set a greater fee than that provided by these rules, if the arbitration proceeding was of unusual duration or difficulty. The arbitrator may also request the payment of arbitrator's fees by a verified ex parte application, when the award was not timely filed.

When the arbitrator has spent time with counsel on a case, which ultimately settles, the arbitrator may request fees for his/her services by filing a "Notice of Settlement" signed by the parties or their counsel. If the arbitrator has not had a notice signed by counsel, he/she may submit a verified ex parte application for arbitrator's fees concurrently with the fee statement.

Q. Trial after Arbitration

1. Within 30 days after the arbitration award is filed, any party may request a trial de novo by filing with the Arbitration Administrator a request for trial, with proof of service of a copy upon all

other parties appearing in the case. The 30 day period within which to request trial may not be shortened or extended.

2. Upon filing a request for trial de novo after arbitration the case shall be returned to the judge who signed the original Arbitration Referral order.
3. The case shall be tried as though no arbitration proceedings had occurred. No reference may be made during the trial to the arbitration award, to the fact that there had been arbitration proceedings, to the evidence adduced at the arbitration hearing, or to any other aspect of the arbitration proceedings, and none of the foregoing may be used as affirmative evidence, or by way of impeachment, or for any other purpose at the trial.
4. If the judgment upon the trial de novo is not more favorable than the arbitration award in either the amount of damages awarded or the type of relief granted for the party electing the trial de novo, the Court shall not permit that party to recover costs and fees and shall order that party to pay the following non-refundable costs and fees, unless the Court finds that the imposition of such costs and fees would create such a substantial economic hardship as not to be in the interest of justice:
 - a. To the county, state or Bar Association the compensation actually paid to the arbitrator;
 - b. To the other party or parties, all costs specified in section 1033.5 of the Code of Civil Procedure;
 - c. To the other party or parties, the reasonable costs of the services of expert witnesses, who are not regular employees of any party, actually incurred or reasonably necessary in the preparation or trial of the case.

Such costs and fees, other than the compensation of the arbitrator, shall include only those incurred from the time of election of the trial de novo.

If the party electing the trial de novo has proceeded in the action in forma pauperis and has failed to obtain a more favorable judgment, the costs and fees under paragraphs b. and c. of this section shall be imposed only as an offset against any damages awarded in favor of that party. If, after the deduction of these costs a sufficient amount remains in the judgment, costs under paragraph a. shall be imposed.

5. Nothing in this rule shall prohibit an arbitration award in excess of fifty thousand dollars (\$50,000). However, no party electing a trial de novo after such award shall be subject to the provisions of subsection 4. if the judgment upon the trial de novo is in excess of fifty thousand dollars (\$50,000).
6. No discovery shall be permissible after an arbitration award in cases where a trial de novo has been granted, except by stipulation or by leave of court upon a showing of good cause.
7. If a party has requested trial after arbitration, the request may not be withdrawn except by a written instrument, signed by counsel for all parties appearing in the case, expressly agreeing that a nonappealable judgment may be entered on the arbitration award.

(Adopted effective May 1, 1997; renumbered effective July 1, 1998; revised effective July 1, 1999)

RULE 362. INSTRUCTIONS TO JURY

In all civil jury trials, insofar as practicable, the instructions contained in the latest edition of California Jury Instructions - Civil (BAJI) shall be used. Counsel shall, prior to the presentation of evidence, present to the clerk in the trial department a document setting forth in the usual style the title of the court, title and number of the action, and title of the document, namely, "Instructions Requested by . . ." In addition to the copy supplied to the court, one copy shall be supplied to each of the parties. In this document shall be listed by number the BAJI instructions requested. When an instruction requested by a party is a modified BAJI instruction, the party shall indicate therein, by use of parenthesis or other appropriate means, the respect in which it is modified. Upon presenting this list to the clerk, the clerk shall furnish to the court the instructions requested which are in print. This does not limit the right of counsel to submit additional instructions, properly numbered in consecutive order nor does it relieve counsel from the responsibility of making any substantial modifications other than changes from singular to plural and in gender of the basic BAJI instructions.

Thereafter, and at or before the time the party rests, counsel may present to the trial judge and serve upon opposing counsel, additional proposed instructions to the jury upon questions of law developed by the evidence and not disclosed by the pleadings.

Whenever a party desires a special verdict or special interrogatories to a jury, he/she shall, at or before the time the

party rests, prepare and submit to the trial judge and serve on opposing counsel the proposed form thereof, pursuant to CRC 230.

(Renumbered effective March 15, 1984; revised effective January 1, 1986; renumbered effective July 1, 1998)

RULE 364. (VACATED)

(Renumbered effective March 15, 1984; renumbered effective July 1, 1998; Vacated effective July 1, 2000)

RULE 366. ATTORNEY FEES

- A. When the clerk is authorized by statute to enter judgment upon entry of default in an action upon a contract providing that attorneys' fees shall be allowed in the event of an action thereon, the following schedule shall be used by the clerk in determining the amount to be included in the judgment, but in no event shall the amount included by the clerk exceed the specific amount of attorney's fees prayed for in the complaint. The amount to be included for attorneys' fees shall be the amount computed by applying to the amount recovered, exclusive of costs, the following schedule:

\$5,000.00 or less, 10% with a minimum of \$150.00; \$5,000.01 to \$25,000.00, \$500.00 plus 6% of the excess over \$5,000.00; \$25,000.01 to \$60,000.00, \$1,400.00 plus 3% of the excess over \$25,000.00; \$60,000.01 to \$100,000.00, \$2,600.00 plus 2% of the excess over \$60,000; \$100,000.01 or more, \$3,400.00 plus 1% of the excess over \$100,000.00.

- B. Pursuant to Section 1717.5 of the Civil Code, when the clerk is authorized by statute to enter judgment upon entry of default on a book account which does not provide for attorney's fees and costs as provided in Section 1717 of the Civil Code, the clerk shall include in the judgment an award of attorney's fees in an amount which is lesser of : (a) the amount prayed for in the complaint; (b) \$660.00; or (c) 25% of the principal amount of the judgment.
- C. Section A of this rule does not apply to any award of attorney's fees made by the court, whether upon entry of default or otherwise.

(Renumbered effective March 15, 1984; revised effective January 1, 1988; revised and renumbered effective July 1, 1998; revised effective July 1, 1999)

RULE 368. ATTORNEY FEES IN MINORS AND INCOMPETENT CASES
(CCP Section 372; Probate Code Section 3600, et seq.)

On any application for approval of a compromise of a claim under the provisions of Section 3600 of the Probate Code, except for good cause shown, attorney's fees shall not exceed an amount equal to 25 percent of the gross proceeds of the settlement, less costs of litigation.

(Renumbered effective March 15, 1984; revised effective January 1, 1986; renumbered effective July 1, 1998)

RULE 370. (VACATED)

(Renumbered effective July 1, 1998; Vacated effective July 1, 2000)

RULE 372. PETITIONING FOR COMPROMISE OF CLAIMS
(CCP Section 372; Probate Code Section 3500)

All petitions for compromise of claims of minors, insane or incompetent persons, shall in addition to the requirements of Rule 241, California Rules of Court, comply with the following rules:

- A. The petition shall contain a full disclosure of all information which has any bearing upon the reasonableness of the compromise or settlement, such as the sums, if any, to be paid to the other claimants in the same case.
- B. In computing attorney's fees based upon any contingent fee contract, parents who claim reimbursement for medical expenses, etc., will be required to pay their proportionate share of the attorney's fees, unless it would work a hardship to require them to do so.
- C. In case the Court orders the sum to be received by the minor to be deposited pursuant to Probate Code Section 3600, the order approving the compromise shall contain the further order "that a certified copy of this order be delivered to the manager of the depository, together with the sum to be deposited".

(Renumbered effective March 15, 1984; revised effective January 1, 1986; revised effective January 1, 1988; renumbered effective July 1, 1998)

RULE 374. (VACATED)

(Renumbered effective July 1, 1998; Vacated effective July 1, 2000)

RULE 376. REQUEST FOR RETURNED DOCUMENTS BY MAIL

Any party requesting documents be returned by mail shall include a self-addressed, stamped envelope at the time the request is made.

(Adopted effective July 1, 1998)

RULE 378. (VACATED)

(Adopted effective April 1, 1984; revised effective August 1, 1989; revised effective July 1, 1992; revised effective July 1, 1994; renumbered effective July 1, 1998; Vacated effective July 1, 2000)

RULE 380. FACSIMILE TRANSMISSION NON-FEE CIVIL FILINGS

A. General

The Superior Court of California, County of Orange, adopts a Direct Fax Filing Pilot Project in accordance with Rule 2006 of the California Rules of Court. This court designates the Central Justice Center for the pilot project.

B. Procedure

1. A fee of \$1.00 per page shall be charged regardless of acceptance of filing. Visa and MasterCard accounts may be used to charge fees on facsimile filings. The first sheet transmitted shall be the Judicial Council Facsimile Transmission Cover Page followed by any special handling instructions and credit card type, account number, and expiration date of card. Upon debit of account, the transmission cover sheet shall be properly disposed of and not filed in the case.
2. Where a party is represented by an attorney, the attorney shall also include his or her facsimile machine telephone number, designated as a "fax" number. Conformed copies will not be returned by fax; however, an extra single face page of the main document and any completed copy of an order may be faxed along with instructions for pick-up by an attorney service. If a document is rejected for filing, the clerk will fax a Return Information Sheet after the document is reviewed, usually within two court days.

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3. Facsimile machines shall be available 24 hours a day, although filings received after regular court hours and days shall be deemed filed on the next court day.
 4. All filings must bear a case number of the Central Justice Center. Filings for other Orange County Justice Centers cannot be accepted at this location. The convenience of fax filing does not shorten the time for any law and motion matter. All filings will be handled and processed in the same normal routine as all other filings received by the court.
 5. Filers shall use the Central Justice Center Fax Number: (714) 834-5589

(Adopted effective July 1, 1999)